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OFFICIAL

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Achilefu et al.
Serial No.: 09/757,332
Filed: January 9, 2001
Art Unit: 1616
Confirmation No.: 5505
Examiner: Jones, Darneron Levest
Title: HYDROPHILIC CYANINE DYES
Atty. Docket No.: MRD-68

Cincinnati, Ohio

July 1, 2004

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A NONSTATUTORY
DOUBLE PATENTING REJECTION (37 CFR 1.321(b))**

1. I, Beverly A. Lyman, the attorney of record for this invention, submit this disclaimer and certificate on behalf of the assignee, Mallinckrodt Inc., a Corporation of Delaware having its principal place of business at 675 McDonnell Boulevard, St. Louis, Missouri 63134, the Disclaimant herein.

2. I hereby certify that Mallinckrodt Inc. is the assignee of the entire right, title and interest in the patent application identified above by virtue of Assignment(s) of record, recorded in the Patent and Trademark Office at Reel/Frame 11710/665-670. I further certify that I have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

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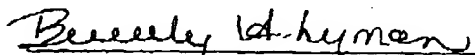
6. I hereby declare that the statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Fee Status and Payment

7. Disclaimant is a large entity. Upon acceptance of this disclaimer, please charge Deposit Account No. 23-3000 in the amount of \$110.00 for the disclaimer fee. Charge any fee deficiency to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



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